

ORIGINAL

Erik Haas
 Karla G. Sanchez
 Lia M. Brooks
 PATTERSON BELKNAP WEBB & TYLER LLP
 1133 Avenue of the Americas
 New York, New York 10036
 Telephone: 212-336-2000
 Facsimile: 212-336-2222

FILED
 IN CLERK'S OFFICE
 U.S. DISTRICT COURT E.D.N.Y.

★ JAN 8 - 2010 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF NEW YORK

MISC 10 - 0010

AMBAC ASSURANCE CORPORATION,	:	Misc. No.
Plaintiff,	:	Index No. 08 Civ. 9464 (RMB) (THK)
- against -	:	(Case Pending in Southern District of New York)
EMC MORTGAGE CORPORATION,	:	GARAUFIS, J.
Defendant.	:	

- - - - - X

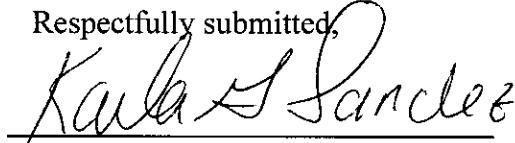
**NOTICE OF MOTION FOR PLAINTIFF'S MOTION TO COMPEL
 PRODUCTION OF THIRD-PARTY DOCUMENTS**

PLEASE TAKE NOTICE that upon the annexed Declaration of Lia M. Brooks, dated January 8, 2010 and accompanying exhibits, and the Memorandum of Law submitted herewith, Plaintiff Ambac Assurance Corporation will move this Court before the Honorable _____, at the United States Courthouse for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York, at a date and time to be designated by the Court, for an Order compelling third party American Home Mortgage Investment Corp to produce documents and/or permit inspection of documents pursuant to Rules 34(c) and 45(c)(2)(B) of the

Federal Rules of Civil Procedure, and for such other and further relief as the Court deems just and proper.

Dated: New York, New York
January 8, 2010

Respectfully submitted,



Erik Haas
Karla G. Sanchez
Lia M. Brooks
PATTERSON BELKNAP WEBB & TYLER LLP
1133 Avenue of the Americas
New York, New York 10036
Telephone: 212-336-2000
Facsimile: 212-336-2222

Attorneys for Plaintiff Ambac Assurance Corp.

TO: Curtis J. Crowther, Esq.
YOUNG CONAWAY STARGATT & TAYLOR, LLP
110 West Pine Street
Georgetown, Delaware 19947
(302) 856-9338
Attorney for American Home Mortgage Investment Corp.

Eric N. Whitney
GREENBERG TRAURIG, LLP
200 Park Avenue
New York, New York 10166
(212) 801-9200
Attorney for Defendant EMC Mortgage Corp.

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
:ss.:
COUNTY OF NEW YORK)

MATTHEW M. FINNEGAN, being duly sworn, deposes and says:

1. I am over 18 years of age, not a party to this action, and employed by the law firm of Patterson Belknap Webb & Tyler LLP, located at 1133 Avenue of the Americas, New York, New York 10036.

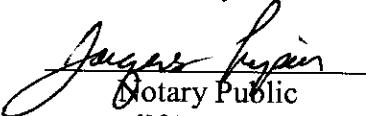
2. On January 8, 2010, I served the foregoing **Notice of Motion** upon the following attorneys for the parties herein via U.S. Mail, directed to them at the address below:

Curtis J. Crowther, Esq.
YOUNG CONAWAY STARGATT & TAYLOR, LLP
110 West Pine Street
Georgetown, Delaware 19947
(302) 856-9338
Attorney for American Home Mortgage Investment Corp.

Eric N. Whitney
GREENBERG TRAURIG, LLP
200 Park Avenue
New York, New York 10166
(212) 801-9200
Attorney for Defendant EMC Mortgage Corp.


MATTHEW M. FINNEGAN
Lic. No. 0955687

Sworn to before me this 8th
day of January, 2010


Notary Public

JACQUELINE LYNN
Notary Public, State of New York
No. 01LY0057058
Qualified in Queens County
Certificate Filed in New York County
Commission Expires April 30, 2011